

Appl. No. 09/717,767

Attorney Docket No. 5709-159

III. Remarks

Claims 1 through 4 and 6 through 19 are pending in the application. Claims 1, 9 and 15 have been amended. No new claims have been added and 18 claims thus remain under consideration.

Rejections Under 35 USC §102

Claims 1 through 4, 6, 7, 9 through 13, 15 through 17 and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,128,859 issued to Vance (Vance).

Vance teaches a mechanically interlocked weatherstrip wherein an S-shaped body portion (50) receives both a mounting flange (62) of a vehicle and a depending bulbous portion (40) of a cover (30). The cover (30) includes a free end (34) which contacts the body of a motor vehicle and a second end having complementary features which engage features of the body 50. Figure 2 of the Vance reference is particularly illustrative of this design.

Applicants' weatherstrip configuration is manifestly distinct from Vance. While the weatherstrip does include an S-shaped body having a first slot which receives a web of a cover and a second slot which is adapted to receive a flange of, for example, a motor vehicle panel such as a door, the configuration of the cover and its relationship with the body is different from the configuration and relationship disclosed in Vance. Moreover, this difference is accurately recited in the claims. This difference is highlighted in Figure 2 of Vance and Figure 4 of Applicants' disclosure. In Vance, the upper end of the cover, adjacent the body, is configured to engage a complementary projection and recess which forms a portion of the body.

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The other, outer or lower end of the cover is adapted to engage a motor vehicle door.

By way of contrast, Applicants' upper flange is a free end and, depending upon the position of the vehicle window and the wiper flanges, may or may not engage one of them. The lower cover flange, however, is received within and engages a flange which both extends from the first face of the body and engages a surface of the vehicle door. This configuration achieves a better, i.e., more uniform, seal against the vehicle door because 1) the sealing flange extends from the lower body portion which is accurately located and registered on the vehicle body by the second slot and 2) the terminal portion of the flange extending from the body is quite thin and thus flexible in order to closely conform to the motor vehicle door. See the first full paragraph on page 8 of this patent application. Additionally, the lower flange portion of the cover resiliently maintains the flexible flange extending from the body in a known and desired position which further improves flange to vehicle door contact.

These differences are well claimed structurally in each of the independent claims wherein it is recited, for example, in claim 1: "a flexible flange extending from said first face and having a terminal portion for engaging said motor vehicle and including a curved recess between said terminal portion and said first face, said curved recess receiving and engaging a complementary portion of one of said flange portions of said cover." Claims 9 and 15 do not include the latter occurrence of the word "engaging."

This limitation is simply not found in the Vance reference. Moreover, this structural interrelationship and cooperation between a cover flange and a vehicle panel engaging flange extending from the body is nowhere suggested by Vance.

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For at least the foregoing reasons, it is submitted that the claims of the present patent application, as amended, recite patentable subject matter and should be allowed.

Claims 8, 14 and 18 were objected to as being dependent upon a rejected base claim, but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants' attorney again acknowledges the objected to status of claims 8, 14 and 18 and again notes that the claims, as now amended, recite patentable subject matter as they are neither anticipated nor rendered obvious by the Vance ('859) reference.

SUMMARY

Pending Claims 1 through 4 and 6 through 19, as amended, are patentable. Entry of this Amendment under the provisions of 37 C.F.R. §1.116 in order to conclude prosecution of this patent application or place it in better form for consideration on appeal is hereby requested. The claim amendments undertaken herein were not earlier submitted based upon a firm belief that the claims previously recited patentable subject matter. Applicants' attorney wishes to thank the Examiner for his comments regarding the claimed interaction of the weatherstrip components on page 3 of the subject Office Action. Such comments provided significant assistance in preparing this Amendment.

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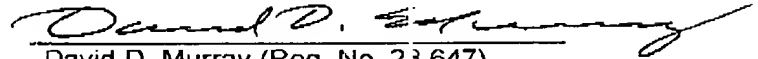
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Applicants respectfully request the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

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Date



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